IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 34252 of 2006(C)

PETITIONERS:

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1. MP ISSAC, AGED 56 YEARS,
   S/O.PAILY, MUKKADAKKAL,
   MAMALA P.O., KAKKAD-682 305.

2. MP GEORGE, AGED 51 YEARS,
   S/O.PAILY, MUKKADAKKAL, MAMALA P.O.,
   KAKKAD-682 305.

3. VIJU KUMAR K.V.,
   AGED 32 YEARS, KARAYATHUMPARAMBIL HOUSE,
   MAMALA P.O., KAKKAD-682 305.

4. VINU KUMAR K.V., AGED 37 YEARS,
   KARAYATHUMPARAMBIL HOUSE, MAMALA P.O.,
   KAKKAD-682 305.

BY ADV. SRI.A.RAMACHANDRAN NAIR

RESPONDENTS:

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1. THE SECRETARY,
   THIRUANIYOOR GRAMA PANCHAYATH.

2. THE DISTRICT COLLECTOR,
   ERNAKULAM.

3. THE DIRECTOR OF MEDICAL SERVICES,
   ERNAKULAM.

4. THE CHAIRMAN,
   POLLUTION CONTROL BOARD, ERNAKULAM.

5. THE PROPRIETOR/ENTERPRENEUR,
   M/S.PT MATHAI CONSTRUCTION COMPANY,
   KV 60/2, PANAMPILLY NAGAR, KOCHI-682 036.

6. THE SUPERINTENDENT OF POLICE,
RURAL, ALUVA.

R5 BY ADV. SRI.K.L.VARGHESE
SMT.SANTHA VARGHESE
R1 BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
R2, R3 & R6 BY ADV. SMT. T.B. RAMANI, GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 34252 OF 2006

Dated this the 13th day of March, 2007

JUDGMENT

A detailed counter affidavit has been filed by the 5th respondent. I have heard the submissions of Sri.R.Sreeraj, counsel for the petitioner, Sri.Philip T.Varghese, counsel for the Panchayat, and Sri.K.L. Varghese, counsel for the 5th respondent.

Having regard to the obvious position that the licence for conduct of a concrete mixing unit, had already been granted by the local authority to the 5th respondent, prayer No.1 has become infructuous. The alternate prayer is that the massive representation submitted by the petitioners be considered after giving them a hearing opportunity. Sri.Philip T. Varghese, counsel for the Panchayat submits that no formal orders have been passed on the mass representation. The Writ Petition accordingly will stand disposed of directing the Panchayat to take a decision on the mass representation after hearing the petitioners and also the 5th respondent. Decision as ordered above will be taken by the Panchayat at their earliest and at any rate within six weeks of receiving copy of this judgment.

PIUS C. KURIAKOSE, JUDGE

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